



SENATE OF THE FEDERAL REPUBLIC OF NIGERIA

VOTES AND PROCEEDINGS

Tuesday, 25th February, 2020

1. The Senate met at 10:32 a.m. The President of the Senate read prayers.
2. **Votes and Proceedings:**
The Senate examined the Votes and Proceedings of Thursday, 20th February, 2020.

Question was put and the Votes and Proceedings were approved.

3. **Announcements:**

- (a) **Letter of Appreciation:**

The President of the Senate read a letter from Senator Ovie A. Omo-Agege (*Delta Central*) as follows:



HIS EXCELLENCY
Senator Ovie Omo-Agege
DEPUTY PRESIDENT OF THE SENATE
FEDERAL REPUBLIC OF NIGERIA

25th February, 2020

His Excellency
Senator Ahmad Ibrahim Lawan, Ph.D, CON
The President of the Senate
National Assembly
Abuja

Your Excellency,

LETTER OF APPRECIATION

Thank you Mr. President and the Distinguished Senators of the Federal Republic of Nigeria, you made us all proud.

On behalf of myself, my family and the people of Delta Central Senatorial District, I wish to convey our utmost gratitude to you for honouring us with your presence at my Thanksgiving Service on 23rd February, 2020, held at the Mother of Redeemer Catholic Church, Effurun Junction, Warri, Delta State.

We are deeply overjoyed and most thankful that you all could take time out to grace the occasion despite your very busy schedule. Your overwhelming presence helped make the event a great success. We were elated by your full and very warm participation in the proceedings which goes to show the strong bond of friendship in the 9th Senate.

Mr. President, your robust words of support still ring in our ears. It is another demonstration of your belief in me and my constituents as worthy partners in the task of developing and uniting our great country. We appreciate this very much and we will always remember your continuing unconditional support.

Also, I want to express our appreciation to the Distinguished Senators who could not attend, but who were celebrating with us in spirit, for their prayers.

Mr. President and Distinguished Colleagues, thank you once again for the invaluable time you spent with us in Warri.

Sincerely Yours,

(Signed)

*HE Senator Ovie Omo-Agege
(The Obarisi of Urhobo Land)*

(b) Invitation:

The President of the Senate read a letter from Senator Akon E. Eyakenyi (Akwa Ibom South) as follows:



**SENATOR AKON EYAKENYI (PhD,PHF)
Vice Chairman, Committee on Basic & Secondary Education**

February 24, 2020

*His Excellency
Senator Ahmad Ibrahim Lawan PhD, CON
President of the Senate, Federal Republic of Nigeria
National Assembly Complex
Abuja*

Your Excellency,

INVITATION OF MEMBERS OF THE 9TH SENATE TO MY 60TH BIRTHDAY ANNIVERSARY CELEBRATION THANKSGIVING AND DEDICATION OF MY 9TH GRAND CHILD

My Dear Distinguished Colleagues

February 24, 2020 marked my 60th Birthday, and I intend to mark the Birthday by hosting a Thanksgiving Service in appreciation to God for his many benefits.

I therefore respectfully invite the Senate President and all Senators to my Birthday Celebration and Thanksgiving Service scheduled to hold on Sunday 1st of March, 2020, at Destiny International Missions, Plot 96, B-Line, Ewet Housing Estate, Uyo, Akwa Ibom State, at 10.00am prompt.

It may interest you to note, that the average life expectancy in Nigeria is 55.2 years, it therefore takes the grace of God to scale the ever-expanding vicissitudes of life to attain this milestone in good health.

Again, my 9th Grand Child Margaret Daniel Eyakenyi will be dedicated to God on the same date (1st March 2020).

I therefore, request all members of the 9th Senate to share this moment of joy with me and my family. I am looking forward to hosting all my colleagues in my State Akwa Ibom on that day.

Please accept the assurances of my best regards, always.

(Signed)

Senator Akon Eyakenyi, PhD

(c) Acknowledgment:

The President of the Senate acknowledged the presence of the following who were at the gallery to observe Senate Proceedings:

- (i) Staff and Students of Leemary Proper International Schools, Gwagwalada, Abuja;
- (ii) Staff and Students of Ma-Yashau Islamic Academy, Lugbe, Abuja; and
- (iii) Staff and Students of Excel Academy School, Suleja, Niger State.

4. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Enyinnaya H. Abaribe (*Abia South*) drew the attention of the Senate to the urgent need to reconstitute the Membership of the Federal Character Commission. He sought and obtained the leave of the Senate to present the matter forthwith.

The Senate.

notes that pursuant to Act No. 34 of 1996 and Section 153 of the 1999 Constitution (as amended) provided for the establishment of the Federal Character Commission;

also notes that under Act No. 34 of 1996, LFN subsection 1, 2 & 3 stipulates the establishment, membership and tenure of office of the Chairman and Members of the Commission;

aware that Section 3(1) of the Act states that the Chairman and Members of the Commission shall hold office for a period of five years in the first instance and for a further term of five years on such terms and conditions as may be specified in their letters of appointment;

further aware that Federal Character Commission body has lapsed since 2018 as against its Act;

observed that since 2018, Federal Character Commission has been run by an Acting Chairman who has now become a sole administrator;

further observes, that no provisions of the Act or the Constitution stipulates the need for the office of a sole administrator or an Acting Chairman;

notes that the Federal Character Commission (FCC) has been a tool for unity, equitable formula distribution and good Governance of the Nation; and

accordingly notes that failure to reconstitute the Commission amounts to a constitutional breach of the Act establishing the Federal Character Commission.

Accordingly resolves to:

urge Mr. President, Commander-in-Chief of the Armed Forces of the Federation to immediately constitute the Membership of the Federal Character Commission in line with the Act establishing the Commission and the 1999 Constitution (as amended).

Debate:

Proposed Resolution:

Question: That the Senate do urge Mr. President, Commander-in-Chief of the Armed Forces of the Federation to immediately constitute the Membership of the Federal Character Commission in line with the Act establishing the Commission and the 1999 Constitution (as amended) —
Agreed to.

Resolved:

That the Senate do urge Mr. President, Commander-in-Chief of the Armed Forces of the Federation to immediately constitute the Membership of the Federal Character Commission in line with the Act establishing the Commission and the 1999 Constitution (as amended)(S/Res/126/02/20).

5. Matter of Urgent Public Importance:

Rising on Rules 42 and 52, Senator Aishatu A. Dahiru (*Adamawa Central*) drew the attention of the Senate to the 21st February, 2020 insurgent group attacked on the good people of Garkida, a peaceful town in Gombi Local Government Area of Adamawa Central Senatorial District. She sought and obtained the leave of the Senate to present the matter forthwith:

The Senate:

aware that on the 21st February, 2020, an insurgent group attacked the good people of Garkida, a peaceful town in Gombi LGA of Adamawa Central Senatorial District. The insurgents in over 7 Gun Trucks and many motorcycles attacked the town at about 7pm setting many buildings ablaze;

also aware that three soldiers were killed in the dastardly attack. Property worth millions of Naira were burnt or destroyed including: public hospital, schools, telecommunication facilities, Police station, buses, cars, food stores, and private property belonging to the good people of Garkida;

worried that the Garkida crises which has led to the destruction of lives and property was planned by the insurgents to have a religious connotation considering that churches and residences of some prominent indigenes were burnt, an act aimed at destroying the foundation of peaceful co-existence within Garkida community and Adamawa State as a whole;

further note that, as a result of this, the urgent need to take more drastic action in the face of such affront on the national security architecture, the region and indeed the entire nation is long overdue; and

concerned that in view of the enormity of the situation, the Federal Government needs to put more innovative measures in place to frontally confront these challenges.

Accordingly resolves to:

- (i) urge the Chief of Army Staff to immediately re-establish a military command base in Garkida and also all major settlements bordering the Sambisa forest;
- (ii) urge the North East Development Commission to immediately embark on rehabilitation of public and religious institutions destroyed and provide assistance to other individuals affected; and

- (iii) urge the National Emergency Management Agency (NEMA) to urgently assess the extent of damage and provide relief materials immediately to the Garkida community.

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Chief of Army Staff to immediately re-establish a military command base in Garkida and also all major settlements bordering the Sambisa forest — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do urge the North East Development Commission to immediately embark on rehabilitation of public and religious institutions destroyed and provide assistance to other individuals affected — *Agreed to.*

Proposed Resolution (iii):

Question: That the Senate do urge the National Emergency Management Agency (NEMA) to urgently assess the extent of damage and provide relief materials immediately to the Garkida community — *Agreed to.*

Resolved:

That the Senate do:

- (i) urge the Chief of Army Staff to immediately re-establish a military command base in Garkida and also all major settlements bordering the Sambisa forest;
- (ii) urge the North East Development Commission to immediately embark on rehabilitation of public and religious institutions destroyed and provide assistance to other individuals affected; and
- (iii) urge the National Emergency Management Agency (NEMA) to urgently assess the extent of damage and provide relief materials immediately to the Garkida community (*S/Res/127/02/20*).

6. Presentation of Bills:

- (i) Raw Materials Research and Development Council Bill, 2020 (HB. 47) — *Read the First Time.*
- (ii) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2020 (SB. 322) — *Read the First Time.*
- (iii) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2020 (SB. 339) — *Read the First Time.*
- (iv) 1999 Constitution of the Federal Republic of Nigeria (Alteration) Bill, 2020 (SB. 316) — *Read the First Time.*
- (v) Federal College of Education Gwoza (Establishment, etc.) Bill, 2020 (SB. 342) — *Read the First Time.*

7. Committee on Ethics, Privileges and Public Petitions:

Motion made: That the Senate do receive the Reports of the Committee on Ethics, Privileges and Public Petitions in respect of:

- a. Captain Diamond Onoberhie, against the Nigerian Navy for unjust treatment and refusal to promote him; and

- b. Ishaku I. Garba, Esq. and Comrade Gboyega Adeoye respectively, against the Presidency for prematurely replacing the Chairman, Governing Board of Nigerian Communications Commission (NCC) whose tenure was yet to expire (*Senator Patrick Akinyelure — Ondo Central*).

Question put and agreed to.

Reports Laid.

8. **Nuclear Safety and Radiation Protection Act No. 19, 1995 (Repeal and Re-Enactment) Bill, 2020 (SB.19):**

Consideration of Bill deferred to another Legislative Day.

9. **Federal College of Education Ibokun (Establishment, etc.) Bill, 2020 (SB. 134):**

Motion made: That a Bill for an Act to establish the Federal College of Education Ibokun to make Comprehensive Provisions for its due Management and Administration and Other Related Matters, 2020 be read the Second Time (*Senator Francis A. Fadahunsi — Osun East*).

Debate:

Question put and agreed to.

Bill accordingly read the Second Time and referred to the Committee on Tertiary Institutions and TETFUND to report within Four (4) weeks.

10. **Vigilante Group of Nigeria (Establishment, etc.) Bill, 2020 (SB.249):**

Consideration of Bill deferred to another Legislative Day.

11. **Motions:**

- (a) ***Digitization/Automation of collection and remittance of Withholding Tax on Bank Deposits and Dividends payments for enhanced Federal Government Internally Generated Revenue (IGR):***

Motion made: That the Senate notes that it has been discovered that Central Security and Clearing System (CSCS) and Banks in Nigeria do not remit withholding tax on bank Deposit and Dividend to Federal Government as and when due;

further notes that Federal Government is unable to pay salaries and meet her financial obligations as a result of poor and dwindling revenue;

aware that billions of Naira are being held by Banks in Nigeria either in form of under-remittance or non-remittance of withholding tax due to Government;

further aware that the need for States to increase their internally generated revenue has become imperative giving the dwindling revenue from the Federation Account which has left various Governments in Nigeria with the task of formulating strategies to improve the revenue base of their States;

worried that one of the major sources of revenue for Federal Government is the withholding tax on bank deposits and dividends which has been difficult to track. The current practice is that both the Banks and central Security Clearing System remit to governments any amount they desire as it is difficult for the Federal Government to reconcile what amounts should be credited to it. Remittances without recourse to details is capable of and already eroding the revenue due to the Federal Government;

opines that the leakages with respect to remittance of withholding tax can be addressed using modern tax solutions and information technology; and

desirous of taking proactive measures to ensure that all withholding tax due to government is remitted for enhanced revenue to Federal Government and in meeting the Federal Government's drive and quest for increased and enhance internally generated revenue at all levels of government to meet the developmental needs of the nation.

Accordingly resolves to:

mandate the Committee on Banking, Insurance and other Financial Institutions to investigate this matter, and ensure that all withholding tax revenues on both bank deposits and dividends are recovered and report to the Senate in four (4) weeks (*Senator Uche L. Ekwunife — Anambra Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do mandate the Committee on Banking, Insurance and other Financial Institutions to investigate this matter, and ensure that all withholding tax revenues on both bank deposits and dividends are recovered and report to the Senate in four (4) weeks.

Amendment Proposed:

Immediately after the word "Institutions" in line 2, *insert* the words "and Finance" (*Senator Albert B. Akpan — Akwa Ibom North-East*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do mandate the Committees on Banking, Insurance and other Financial Institutions; and Finance to investigate this matter, and ensure that all withholding tax revenues on both bank deposits and dividends are recovered and report to the Senate in four (4) weeks (*S/Res/128/02/20*).

(b) *Urgent need to reduce accidents involving Trucks and Articulated Lorries (Tankers and Trailers) on our Highways:*

Motion made: That the Senate notes that our economy still relies majorly on trucks and articulated lorries for the movement of goods and products into, within and out of our country;

notes that the Nigerian National Petroleum Corporation loads on average, 1255 trucks laden with petroleum products for dispatch daily, with demand and supply chain concluded through Road Transport in tanker trailers;

aware that there are about 11.9 million registered vehicles currently in Nigeria, where 58.05% are commercial, 40.7% are privately owned, 1.2% registered to government and 0.05% diplomatic;

disturbed that in 2017, there were 779 recorded Road Traffic Collisions (RTC) involving trailers and tankers, which resulted in 737 fatalities and 2622 serious injuries. That implies that an average of two Nigerians were killed every day and 7 seriously injured in 2017 as a result of trailer/tanker accidents. These accidents accounted for 28% of road accidents in Nigeria, which is grossly disproportionate to the percentage of trailers and trucks plying our roads;

aware that the Federal Road Safety Commission (FRSC), cited non adherence to road traffic safety practices and parking in unauthorized location along the road as two of the three top reasons for road accidents involving articulated lorries;

saddened at the continued loss of lives and properties caused by truck and articulated lorry accidents in our country. With over a thousand lives and an estimated ₦39bn lost directly due to accidents involving trucks and articulated lorries (i.e. tankers and trailers) in 2018;

notes that in the aftermath of the Otedola bridge tanker accident in June 2018, the Federal Government convened a Haulage Operators Stakeholders' Summit (in July 2018). At the Summit, the Secretary to the Government of the Federation directed relevant government agencies to ensure that tankers and trailers that do not comply with legally prescribed minimum safety standards are prevented from plying our highways. He expressed the displeasure of the Federal Government at the rising rate of preventable accidents involving trucks and articulated lorries on our highways;

aware that, listed amongst the top intervention measures at the Summit was enforcement of the breach of section 122 of the Road Traffic Regulation (2012), which specifies minimum lighting system required of a motor vehicle on our highway. The FRSC also released Safety Guidelines and Regulations which required the fixing of retro-reflective tapes on trucks and articulated lorries to enhance visibility;

concerned that several legislative provisions, including those of the Road Traffic Act; Road Traffic Regulation (2012); Federal Highways Act 1971; and the Federal Road Safety Act 2007 are being disregarded by truck/trailer/tanker owners, operators and drivers with impunity, leading to avoidable road traffic collisions (RTCs) involving these class of vehicles. Road traffic collisions involving this class of vehicles are more likely to result in fatalities and serious injuries, in comparison to other classes of motor vehicles; and

alarmed that despite statutory provisions empowering the Nigeria Police, the Federal Road Safety Commission and Vehicle Inspectorates to curb the menace, the problem persists unabated.

Accordingly resolves to:

- (i) urge the Nigeria Police; Federal Road Safety Commission; and Vehicle Inspection Officers to immediately clamp down on trucks and articulated lorries, plying our highways without the minimum prescribed levels of lighting or other road safety requirements;
- (ii) mandate the Committee on Land Transport to investigate the level of compliance to road safety legislations amongst Haulage operators, owners and drivers; and
- (iii) mandate the Committee on Land Transport to investigate adoption and implementation of the recommendations from the 2018 Haulage Operators Stakeholders' Summit amongst all relevant stakeholders (*Senator Teslim K. Folarin — Oyo Central*).

Debate:

Proposed Resolution (i):

Question: That the Senate do urge the Nigeria Police; Federal Road Safety Commission; and Vehicle Inspection Officers to immediately clamp down on trucks and articulated lorries, plying our highways without the minimum prescribed levels of lighting or other road safety requirements — *Agreed to.*

Proposed Resolution (ii):

Question: That the Senate do mandate the Committee on Land Transport to investigate the level of compliance to road safety legislations amongst Haulage operators, owners and drivers.

Amendment Proposed:

Leave out the words “Land Transport” in line 1, *insert* the words “Federal Character and Inter-Governmental Affairs” instead thereof (*Senator Abdullahi Adamu — Nasarawa West*).

Question that the amendment be made, put and agreed to.

Proposed Resolution (iii):

Question: That the Senate do mandate the Committee on Land Transport to investigate adoption and implementation of the recommendations from the 2018 Haulage Operators Stakeholders' Summit amongst all relevant stakeholders.

Amendment Proposed:

Leave out the words “Land Transport” in line 1, *insert* the words “Federal Character and Inter-Governmental Affairs” instead thereof (*Senator Aliyu S. Abdullahi — Niger North*).

Question that the amendment be made, put and agreed to.

Additional Proposed Resolution:

Insert Additional Proposed Resolution as follows:

“That the Senate do urge the Federal Government to establish trailer parks and introduce weight bridges along the highways” (*Senator Kabiru I. Gaya — Kano South*).

Question that the amendment be made, put and agreed to.

Resolved:

That the Senate do:

- (i) urge the Nigeria Police; Federal Road Safety Commission; and Vehicle Inspection Officers to immediately clamp down on trucks and articulated lorries, plying our highways without the minimum prescribed levels of lighting or other road safety requirements;
- (ii) mandate the Committee on Federal Character and Inter-Governmental Affairs to investigate the level of compliance to road safety legislations amongst Haulage operators, owners and drivers;
- (iii) further mandate the Committee on Federal Character and Inter-Governmental Affairs to investigate adoption and implementation of the recommendations from the 2018 Haulage Operators Stakeholders' Summit amongst all relevant stakeholders; and
- (iv) urge the Federal Government to establish trailer parks and introduce weight bridges along the highways (*S/Res/129/02/20*).

12. Adjournment:

Motion made: That the Senate do now adjourn till Wednesday, 26th February, 2020 at 10.00 a.m. (*Senate Leader*).

Adjourned accordingly at 1:05 p.m.

Ahmad Ibrahim Lawan, Ph.D, CON
President,
Senate of the Federal Republic of Nigeria.